

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Broad Street Securities Inc v Burkhardt Wexler & Hirschberg**

Docket No. **294499**

L.C. No. **2008-094038-NM**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED IN PART for lack of jurisdiction. The Court lacks jurisdiction over the appeal as it relates to the September 2, 2009, order ruling on the motion for attorney fees. That order is not final as it is not a postjudgment order awarding or denying attorney fees; it does not finally rule on that question, leaving the amount of attorney fees for later determination. MCR 7.202(6)(a)(iv). When the trial court finally disposes of the motion for attorney fees through entry of a postjudgment order, defendant-appellant may challenge the order by filing a timely claim of appeal. MCR 7.203(A); MCR 7.204(A)(1).

The claim of appeal remains pending as to the orders of August 4, 2009, and September 29, 2009.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 22 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk